



03 CO \$ #4
Docket: 0819-520

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)
Yasuhiro SHIMADA et al.)
Serial No. 09/804,311) Attn: Applications
Filed: March 13, 2001) Branch
For: SEMICONDUCTOR DEVICE)
AND METHOD FOR)
FABRICATING THE SAME) Date: July 3, 2001

RESPONSE TO NOTICE OF OMITTED ITEMS IN A
NONPROVISIONAL APPLICATION UNDER 37 CFR 1.53(b)

Honorable Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the *Notice of Omitted Items in a Nonprovisional Application* dated May 24, 2001, enclosed herewith are copies of Figures 3, 4, 5, and 6 that were deposited in the U.S. Patent and Trademark Office with the nonprovisional application papers originally filed on March 13, 2001. It is respectfully requested that the application be accorded a filing date of March 13, 2001 in accordance with paragraph I of the *Notice*.

Enclosed is a copy of Applicant's *Utility Patent Application Transmittal* evidencing filing of these Figures 3, 4, 5 and 6 together with original Figures 1 and 2, which it is understood have been received by the Patent Office. Also enclosed are a copy of the *Print EFS Data sheet* and the *Patent Application Bibliographic Data sheet* as submitted with the application evidencing submission of Figures 3, 4, 5 and 6. Furthermore, Applicant's representative's normal course is to submit all papers

provided from Applicant, and it is believed that these Figures were filed in accord with Applicant's representative's normal procedure in this application.

It is respectfully requested that this be treated as a petition and the required \$130.00 petition fee is enclosed. Any refund may be credited to deposit account 19-2380 (740819-000520). The Commissioner is hereby authorized to charge fees under 37 CFR 1.16 and 1.17 (except the Issue Fee) which may be required now or hereafter, or credit any overpayment, to Deposit Account No. 19-2380 (740819-000520). A duplicate copy of this sheet is attached.

Respectfully submitted,



Eric J. Robinson
Registration No. 38,285

NIXON PEABODY LLP
8180 Greensboro Drive, Suite 800
McLean, Virginia 22102
(703) 790-9110

740819-000520



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/804,311	03/13/2001	Yasuhiro Shimada	740819-520

CONFIRMATION NO. 9274

22204
NIXON PEABODY, LLP
8180 GREENSBORO DRIVE
SUITE 800
MCLEAN, VA 22102

FORMALITIES LETTER



OC000000006110897

Date Mailed: 05/24/2001

NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

07/26/2001 BABRAHA1 00000034 09804311

01 FC:122

130.00 OP

FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Figure(s) 3,4,5,6 described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid

delays in the prosecution of the application.

A copy of this notice MUST be returned with the reply.

ER

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE